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8/28/01  
MA

UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

BRADY L. DAVIS, ,  
Plaintiff

v.

FOX, et al.,,  
Defendant

CIVIL NO. 1:CV-00-490  
(Judge Rambo)

**FILED**  
HARRISBURG, PA

AUG 28 2001

**ORDER**

MARY E. D'ANDREA, CLERK  
Per MA  
Deputy Clerk

Before the court is Defendants' motion to compel discovery. Plaintiff, an inmate confined at the Coal Township Correctional Facility in Coal Township, Pennsylvania, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 13, 2000. On August 2, 2000, Defendants' attorney served plaintiff with 18 interrogatories (Doc. 14, Motion to Compel Plaintiff to Respond to Interrogatories). Defendants have no record of receiving any responses to the interrogatories (*id.*). On February 14, 2001, Defendants wrote plaintiff a letter regarding the lack of response and furnished Plaintiff with another copy of interrogatories (*id.*). Because Plaintiff did not respond, Defendants filed the motion at bar. Plaintiff filed a motion to dismiss the request for interrogatories (Doc. 15) stating that this court had issued an order on March 7, 2001 dismissing his complaint and, therefore, the interrogatories were moot; however, the March 7, 2001 order issued by this Court dismissed plaintiff's other case, Davis v. Gillis, Civil Action No. 1:CV-00-0543 (M.D.Pa. 2001) (Judge Rambo).

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Defendants' motion to compel Plaintiff to respond to interrogatories (Doc. 14) is granted.
2. Plaintiff has thirty (30) days from the date of this order to respond to Defendants' interrogatories.
3. Plaintiff's motion to dismiss "respondents" request for interrogatories (Doc. 15) is denied.<sup>1</sup>
4. Failure of Plaintiff to respond to the interrogatories in a timely fashion will result in dismissal of the captioned action.

  
SYLVIA H. RAMBO  
United States District Judge

Dated: August 28, 2001.

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1. Within plaintiff's motion, Davis requested time to resubmit his complaint at a later date and to drop all defendants except Dr. Kort and Wilma Sewell. Kort and Sewell are not named defendants in the pending complaint. If plaintiff wishes to amend this complaint, he needs to file an appropriate motion requesting leave of this court to amend pursuant to Fed. R. Civ. P. 15.

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

August 28, 2001

Re: 1:00-cv-00490 Davis v. Fox

True and correct copies of the attached were mailed by the clerk  
to the following:

Brady L. Davis  
SCI-COAL  
BX3685  
SCI Coal Township  
1 Kelley Drive  
Coal Township, PA 17866-1020

Linda S. Lloyd, Esq.  
Office of Attorney General  
15th Floor  
Strawberry Square  
Harrisburg, PA 17120

cc:

Judge	(X)	(X) Pro Se Law Clerk
Magistrate Judge	( )	( ) INS
U.S. Marshal	( )	( ) Jury Clerk
Probation	( )	
U.S. Attorney	( )	
Atty. for Deft.	( )	
Defendant	( )	
Warden	( )	
Bureau of Prisons	( )	
Ct Reporter	( )	
Ctroom Deputy	( )	
Orig-Security	( )	
Federal Public Defender	( )	
Summons Issued	( )	with N/C attached to complt. and served by:
		U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )	
Order to Show Cause	( )	with Petition attached & mailed certified mail
		to: US Atty Gen ( ) PA Atty Gen ( )
		DA of County ( ) Respondents ( )
Bankruptcy Court	( )	
Other _____	( )	

MARY E. D'ANDREA, Clerk

8/28/01

